

these laws, she being at the time above the age of eighteen years.

It is said, to be sure, that these laws are inapplicable to the present case, because Mitchell, at the date of the release, was not the guardian of his daughter, Maria, he having been removed in 1825, and another guardian appointed in his place, the argument being that releases made by females of the age of eighteen, are not effectual except when made to their guardians. The answer to this is that, by the express terms of the 6th section of the Act of 1829, ch. 216, the guardianship ceases when the female ward attains the age of eighteen years, and, consequently, if a release is only good when made to a person *then*, at its date, filling the office of guardian, the 7th section could have no operation whatever, because it would, upon that construction, provide for the execution of a release to a guardian when there could be none. It is clear the legislature intended that the release spoken of should be a release executed to him *who had been* the guardian, but whose office had ceased by the arrival of the female ward to the age of eighteen years. But if there could be any doubt upon this subject, it would be removed by the 4th section of the act of 1831, ch. 305, which, in speaking of these releases, gives validity to such as are executed to any executor, administrator, or guardian, "*or person who has been such.*"

I think, therefore, there can be no doubt whatever that we are to deal with this release, executed by the present Mrs. McClellan to her former guardian, she being then of the requisite age, as if she had been at the full age of twenty-one years. Indeed, there can be no doubt upon the subject, because such is the plainly declared will of the legislature. The authorities which speak of the suspicion and jealousy with which the Courts view transactions between guardian and ward, and others occupying fiduciary relations, immediately after such relations are dissolved, and before the influences which usually result from them may be supposed to have passed away, do not apply here, because the relation had terminated nearly nine years before this release was executed. It must be taken, therefore, as an advised, unbiassed, and voluntary renunciation